

110TH CONGRESS  
2D SESSION

# H. R. 6825

To direct the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2008

Mr. SALAZAR introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To direct the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress finds the following:

5               (1) Drought, population increases, and environ-  
6       mental needs are exacerbating water supply issues  
7       across the western United States, including on the  
8       Southern Ute Indian Reservation in southwestern  
9       Colorado.

1           (2) A report of the General Accounting Office  
2           from 2006 identified significant issues with the Pine  
3           River Indian Irrigation Project, including that key  
4           facilities of the Pine River Indian Irrigation Project  
5           are severely deteriorated and barely, if at all, oper-  
6           able.

7           (3) Operations and maintenance fees are not  
8           sufficient to address the Pine River Indian Irrigation  
9           Project's condition, even though the Bureau of In-  
10          dian Affairs has sought to double those fees, from  
11          \$8.50 to \$17.00, in recent years.

12          (4) The 2006 General Accounting Office report  
13          also notes that a prior study done by the Bureau of  
14          Reclamation found that water users could not even  
15          afford to pay the lower operations and maintenance  
16          fees of \$8.50 and operate a profitable farming oper-  
17          ation.

18          (5) The benefits of rehabilitating and repairing  
19          the Pine River Indian Irrigation Project's irrigation  
20          infrastructure include—

- 21                (A) water conservation;
- 22                (B) extending available water supply;
- 23                (C) increasing agricultural production;
- 24                (D) economic benefits;
- 25                (E) safer facilities; and

1 (F) preserving the culture of the Southern  
2 Ute Indian Tribe.

3 (6) While the Pine River Indian Irrigation  
4 Project is currently managed by the Bureau of In-  
5 dian Affairs, the Southern Ute Indian Tribe also re-  
6 ceives water from facilities owned or operated by the  
7 Bureau of Reclamation.

8 (7) Rehabilitation and repair of the Pine River  
9 Indian Irrigation Project's infrastructure by the Bu-  
10 reau of Reclamation would improve—

11 (A) overall water management; and

12 (B) the ability of the Southern Ute Indian  
13 Tribe and the Bureau of Reclamation to ad-  
14 dress potential water conflicts.

15 **SEC. 2. DEFINITIONS.**

16 In this Act—

17 (1) PROJECT.—The term “project” means the  
18 Pine River Indian Irrigation Project.

19 (2) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (3) STATE.—The term “State” means the State  
22 of Colorado.

23 (4) TRIBAL COUNCIL.—The term “Tribal Coun-  
24 cil” means the Southern Ute Indian Tribal Council.

1           (5) **TRIBE.**—The term “Tribe” means the  
2       Southern Ute Indian Tribe.

3 **SEC. 3. PROJECT INFRASTRUCTURE STUDY.**

4       (a) **STUDY.**—The Secretary, in consultation with the  
5 Tribe, shall conduct a study of the project’s irrigation in-  
6 frastructure.

7       (b) **IMPROVEMENTS.**—

8           (1) **LIST.**—Based on the results of the study  
9       required under subsection (a), the Secretary, in con-  
10      sultation with the Tribe, shall develop a list of im-  
11      provements to repair, rehabilitate, or reconstruct the  
12      project over a 10-year period. The list shall include  
13      cost-estimates for each improvement.

14          (2) **PRIORITY.**—In developing the list of im-  
15      provements, the Secretary shall prioritize the im-  
16      provements based on—

17                   (A) recommendations of the Tribe;

18                   (B) cost-benefit analyses;

19                   (C) the ability of the project’s users to irri-  
20      gate agricultural land using the project’s irriga-  
21      tion infrastructure;

22                   (D) the effect on the conservation of water;

23                   (E) the cultural benefits that the improve-  
24      ments would have on the Tribe; and

1 (F) the opportunity to address water sup-  
2 ply or environmental conflicts.

3 (c) CONSULTATION.—The Secretary may consult  
4 with the Director of the Bureau of Indian Affairs and any  
5 other local or Federal official to assist developing the  
6 study or list of improvements.

7 (d) REPORT.—Not later than 18 months after the  
8 date of the enactment of this Act, the Secretary shall sub-  
9 mit to the Committee on Energy and Natural Resources  
10 of the Senate, the Committee on Natural Resources of the  
11 House of Representatives, and the Tribe a report includ-  
12 ing—

13 (1) the list of improvements required under  
14 subsection (b); and

15 (2) any findings the Secretary determines rel-  
16 evant.

17 (e) BIENNIAL REVIEW.—Not later than 2 years after  
18 the date on which the Secretary submits the report under  
19 subsection (d), and biennially thereafter, the Secretary, in  
20 consultation with the Tribe, shall—

21 (1) review the report; and

22 (2) update the list of improvements in accord-  
23 ance with subsection (b)(2) as the Secretary deter-  
24 mines to be appropriate.

1 **SEC. 4. IRRIGATION INFRASTRUCTURE GRANTS AND COOP-**  
2 **ERATIVE AGREEMENTS.**

3 (a) IN GENERAL.—The Secretary may provide grants  
4 to, and enter into cooperative agreements with, the Tribe  
5 in order to repair, rehabilitate, reconstruct, or replace the  
6 project's irrigation infrastructure.

7 (b) LIMITATION.—A grant or cooperative agreement  
8 under this section shall not be used for—

9 (1) the repair, rehabilitation, or reconstruction  
10 of any major impoundment structure; or

11 (2) any on-farm improvements.

12 (c) CONSULTATION.—In carrying out a grant or co-  
13 operative agreement under subsection (a), the Secretary  
14 shall—

15 (1) consult with, and obtain the approval of, the  
16 Tribe;

17 (2) consult with the Director of the Bureau of  
18 Indian Affairs; and

19 (3) as appropriate, coordinate the project with  
20 any work being conducted under the irrigation oper-  
21 ations and maintenance program of the Bureau of  
22 Indian Affairs.

23 (d) COST-SHARING.—The Secretary may require that  
24 to be eligible for a grant or cooperative agreement under  
25 this section, the Tribe shall provide matching, non-Federal

1 funds in an amount equal to not less than 25 percent of  
2 the total amount of the grant or cooperative agreement.

3 **SEC. 5. FEDERAL AND STATE LAW.**

4 Nothing in this Act—

5 (1) affects the right of the Tribe to receive, di-  
6 vert, store, or claim a right to water, including the  
7 priority of right and the quantity of water associated  
8 with the water right under Federal or State law; or

9 (2) preempts or affects—

10 (A) State water law; or

11 (B) an interstate compact relating to the  
12 allocation of water.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) STUDY.—There is authorized to be appropriated  
15 to carry out section 3 \$4,000,000.

16 (b) PROJECTS.—There is authorized to be appro-  
17 priated to carry out section 4 \$10,000,000 for each of fis-  
18 cal years 2010 through 2015.

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